REMARKS

The Office Action dated March 7, 2006, has been received and carefully noted. Applicants filed a full and complete Response to the March 7, 2006, Office Action on July 7, 2006. This Response is submitted to supplement Applicants' July 7, 2006, response, to replace the Supplemental Response filed September 25, 2006, and to respond to the Notice of Non-Compliant Amendment mailed October 11, 2006.

Claims 1-36 are pending in the application by this amendment. Claims 1-35 have been amended, and claim 36 has been added, to more particularly point out and distinctly claim the invention. No new matter is added. Claims 1-36 are respectfully submitted for consideration. Applicants are treating the Supplemental Response filed September 25, 2006, as **not** having been entered, and thus the changes are shown from the version of the claims included in the Response filed July 7, 2006.

The Notice of Non-Compliant Amendment requested arguments regarding claim 36. Newly added claim 36 has its own scope.

Although claim 36 was not rejected, as to the Office Action's hypothetical rejection of claim 36 for non-statutory obviousness-type double-patenting as being unpatentable over claims 1-14 of U.S. Patent No. 6,788,676 (the '676 patent), Applicants respectfully traverse the rejection.

The '676 patent is assigned to Nokia Corporation. The application that resulted in the '676 patent was filed on October 30, 2002. The present application, however, was filed February 13, 2002. According to MPEP 804(B)(1)(b), "[i]f the patent is the later filed

application, the question of whether the timewise extension of the right to exclude granted by the patent is justified or unjustified **must be addressed**." (emphasis added) The MPEP goes on to explain that a two-way test is to be applied when the applicant could not have filed the claims in a single application and there is administrative delay.

The Office Action does not establish that the applications could have been filed together and the lack of common inventors suggests that they could not have been filed together. Moreover, the more than three years that it took for the U.S.P.T.O. to issue a first Office Action in this application clearly qualifies as administrative delay. Because the record makes this delay clear, the Office Action is **required** to show either how the applications could have been filed together or how the claims of the '676 patent are obvious in view of the claims of the present application **as well as** how the claims of the present application are obvious in view of the '676 patent. The Office Action does not include any such analysis. Accordingly, it is respectfully submitted that the Office Action does not establish a *prima facie* case for obviousness-type double-patenting and it is respectfully requested that the double-patenting rejection be withdrawn.

As to the hypothetical rejection of Claim 36 as provisionally rejected on the ground of non-statutory obviousness-type double-patenting as being unpatentable over claims 1-32 of U.S. Patent Application No. 10/202,563 (the '563 application), Applicants respectfully traverse the rejection.

Applicants note that the issue fee has already been paid for the '563 application, and it is expected to issue as a patent shortly (or perhaps has already issued). Applicants also note

that only claims 6, 14, and 21 were allowed in the '563 application. The Office Action appears to have based its analysis on the originally filed claims of the '563 application. Accordingly, Applicants respectfully request that the Office Action consider the claims of the '563 application that are presently pending (or issued, if the '563 has issued by the time the Examiner considers this response). Applicants respectfully submit that this double-patenting rejection is moot in view of the current status of the claims of the '563 application. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

As to the Office Action's rejection of claims 1-35 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,996,087 of Ejzak ("Ejzak"), Applicants respectfully traverse this rejection as hypothetically applied to claim 36.

Claim 36 recites "protecting means for initiating a protection processing based on a comparing result of said comparing means." Applicants respectfully submit that Ejzak is silent as to at least these features of claim 36.

The Office Action cited column 3, line 52 to column 4 line 9 and Summary as disclosing the above-identified features, but the cited passages make no mention either of initiating a protection processing or of initiating any processing based on comparing first source information and second source information. Going beyond the cited portion of the reference, and even assuming the BGSCF 143, which is described at column 4, lines 26-33, performs "protection processing" (not admitted), it is respectfully submitted that there is nod disclosure or suggestion that the BGSCF 143 performs protection processing based on comparing first source information and second source information. Accordingly, it is

respectfully submitted that Ejzak does not disclose or suggest all of the features of any of claim 36.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

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